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EX PARTE OR LATE FILED

December 15, 1997

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Correction to Ex Parte Filing
CS Docket No. 97-151

Dear Ms. Salas:

On December 12, 1997, UTC filed an *ex parte* notice, pursuant to Section 1.1206 of the Commission's Rules, summarizing a December 11 meeting with the staff of the Cable Services Bureau concerning CS Docket No. 97-151. The notice included, as an attachment, a copy of the written presentation used during this meeting.

It was just discovered that the written presentation included, at page two, an incorrect summary of the parties' position on wireless attachments. Please substitute the attached pages for those included with our December 12 filing.

If there are any questions concerning this matter, please let me know.

Very truly yours,

Jeffrey L. Sheldon
General Counsel

Attachments

cc (w/ att.): Elizabeth Beaty
Cheryl King
Priscilla Wu

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**Electric Utility Concerns
In CS Docket No. 97-151
(Post-2001 Pole Attachment Rates)**

I. Rely On Market Forces To Greatest Extent Possible

- Exhibit a preference for negotiations.
- Non-discriminatory access does not mean that all agreements have to be identical.
- A “forward looking” cost methodology would most effectively approximate the real costs of access.

II. Allocation of non-usable space among “attaching entities”

- “Pole attachment” is defined in §224(a)(4) as attachments by a cable television system or a provider of telecommunications services.
- Under this definition, the following are not “pole attachments”:
 - Electric utility facilities used to provide electric service, including facilities used for internal communications.
 - Facilities of local governmental agencies that are not used for cable television or telecommunications service.
 - Facilities of an ILEC. (Section 224(a)(5) explicitly states that ILECs are not considered telecommunications carriers for pole attachment purposes).

III. Exemption from Post-2001 Rate for Systems That “Solely Provide Cable Service”

- Cable company claiming the exemption should certify to the FCC and the utility that it is solely engaged in providing cable services on the facilities covered by the pole attachment agreement.
- The provision of Internet service, cable modem service, or other information service is not cable service.
- Overlapping of new facilities to provide non-cable services should also trigger the post-2001 rate.
- If any facilities covered by the pole attachment agreement are used for other than cable services, none of the facilities should be entitled to the exemption.

IV. Overlashing

- Engineering and safety standards, as well as basic property law, require that each overlashing entity obtain a separate agreement or prior approval from the pole owner.
- Overlashing by a third-party requires a separate allocation of non-usable space.

V. Conduit

- Half-duct methodology is inappropriate for electrical conduit because the presence of a telephone cable within a duct effectively makes the entire duct unsuitable for electric lines.
- “Usable” vs. “non-usable” space
 - Statute acknowledges that non-usable components are of equal benefit to all attaching entities.
 - Just as non-useable space on a pole includes the buried portion of a pole, the non-usable space in a conduit system encompasses all elements of the system that are of common benefit to all “attaching” entities.
 - Therefore, “non-usable” space should include all cement or encasement materials, vaults, handholes and other related equipment that allow for deployment of, access to, and maintenance of cable facilities.

VI. Transmission towers and wireless attachments

- These issues are subject to reconsideration in CC Docket 96-98.
- Safety, reliability and cost issues involving transmission structures are not encompassed in the current proceeding.
- There is a competitive market for wireless communications sites:
 - Wireless carriers do not require access to utility facilities given the large number of siting options for such carriers (see attached excerpts from wireless publications illustrating the plethora of entities in the tower siting business).
 - Regulated rates for wireless attachments to utility property will act as disincentive for other entities to make wireless sites available.
- Even local exchange carriers with cellular affiliates are not required to provide co-location or access to their communications towers.

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monitoring of tower sites
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Spectrum Lands \$60 Million

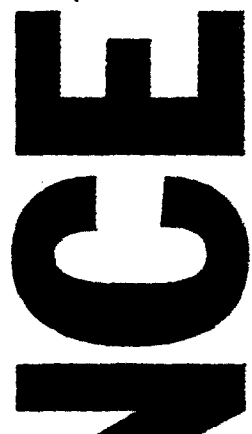
Money keeps pouring into the tower acquisition and construction business.

Spectrum Resources

Towers LP said it landed a \$60 million investment from a partnership headed by Veronis, Suhler and Associates Inc., boosting Spectrum's war chest for the planned, aggressive expansion of its integrated tower business over the coming year.

Spectrum, based in Falls Church, Va., said the investment raised to more than \$100 million, the amount it has to buy existing towers and build towers to suit specific wireless carriers.

Like many other tower and siting companies, Spectrum is acquiring properties to serve the massive network expansions of wireless carriers.



12/02 Close	11/25 Close	52-week High	52-week Low	Company Name	Exchange/ Ticker Symbol	12/02 Close	11/25 Close	52-week High	52-week Low
8.53	8.44	10.63	3.88	INTEGRATED CARRIERS					
30.00	30.38	41.75	22.00	ALLTEL CORP	NYSE/AT	40.31	30.25	40.00	29.63
12.50	13.75	21.50	11.50	AT&T CORP	NYSE/T	56.31	55.50	57.00	50.75
21.13	19.13	21.19	8.63	COMCAST CORP	NAS/CMCSA	27.00	27.63	28.75	14.38
35.00	35.13	35.75	24.38	GTE CORP	NYSE/GTE	40.35	40.13	42.25	40.50
18.38	19.50	22.00	9.50	ICI COMMUNICATIONS CORP	NAS/ICIC	44.31	43.19	44.50	27.31
11.63	11.38	12.13	7.31	SPRINT CORP	NYSE/PUN	57.00	57.00	60.63	37.50
12.44	11.88	13.00	8.63	TELEPHONE & DATA SYS INC	AMEX/TDS	45.00	43.61	46.44	34.50
18.63	19.31	24.38	13.88	VENDORS/DIVERSIFIED CORPS.					
33.44	32.00	36.38	23.13	ADC TELECOMMUNICATIONS	NAS/ADCT	37.00	36.56	45.00	21.25
13.97	13.63	18.00	9.25	ALLEN TELECOM INC	NYSE/ALJ	19.25	20.06	30.00	16.00
18.25	17.50	22.25	10.00	ANDREW CORP	NAS/ANDW	25.00	26.63	42.50	22.13
				ASSOCIATED GROUP	NAS/AGRP	31.00	32.38	42.63	14.25
2.00	1.94	5.63	1.31	AUDIOVOX CORP	AMEX/VOX	8.75	8.63	10.86	4.63
6.53	5.88	12.50	3.75	BATTERIES BATTERIES	NAS/BATS	2.13	2.13	4.25	2.00
5.00	5.51	8.00	3.50	BRIGHTPOINT INC	NAS/BELL	16.61	17.06	24.25	8.00
7.44	17.81	18.63	5.13	WHITE VOICE SYSTEMS INC	NAS/BVSI	9.38	9.25	18.00	6.75
9.88	9.88	13.25	4.38	CALIFORNIA MICROFILME	NAS/CMIC	18.75	18.00	21.75	11.75
2.44	12.13	18.63	5.75	CELLSTAR CORP	NAS/CLST	20.19	20.00	40.88	7.42
1.38	1.31	2.06	0.80	CINCINNATI BELL	NYSE/CSH	28.38	28.25	33.75	23.06
1.63	1.63	7.00	1.38	CELLULAR TECHNICAL SERVICES	NAS/CTSH	2.81	2.75	30.00	2.25
1.31	4.38	6.38	2.38	CONSENT COMMUNICATIONS	NAS/CCSC	28.38	26.38	33.75	15.38
1.50	1.75	3.00	1.44	CORSAIR COMMUNICATIONS	NAS/CMR	21.00	16.88	27.63	14.88
				DATAMARINE	NAS/DMAR	3.88	3.88	9.75	3.50
				DSC COMMUNICATIONS	NAS/DSCI	24.44	22.44	32.75	16.13
				DSP COMMUNICATIONS INC	NAS/DSPC	14.44	16.38	25.63	6.00
				ERICSSON LN TELEPHONE CO	NAS/ERIC	35.63	41.38	50.63	28.00
				GEOWORKS	NAS/GEWK	11.72	13.18	27.38	5.28
				GLENATHE TECHNOLOGIES INC	NAS/GEHS	10.75	11.13	24.75	8.00
				HEWLETT PACKARD CO	NYSE/HWP	61.00	61.00	72.94	48.13
				IBM CORP	NYSE/IBM	110.75	107.38	113.31	63.56
				IFR SYSTEMS INC	NAS/IFRS	31.00	29.25	35.25	14.00
				INTEK DIVERSIFIED	NAS/IDCC	1.63	1.75	7.00	1.38
				INTERDIGITAL COMMUNICATIONS	AMEX/IDC	4.50	4.25	7.44	3.88
				LCC INTERNATIONAL	NAS/LCCI	19.50	19.75	25.94	7.38
				LIGHTBRIDGE	NAS/LTBG	15.13	14.50	19.50	5.75
				LUCENT TECHNOLOGIES	NYSE/LU	82.44	80.19	90.75	44.75
				METRICOM INC	NAS/MCOM	12.53	12.16	18.38	4.38
				METRO ONE TELECOMMUNICATIONS	NAS/MTON	8.81	8.25	11.00	5.25
				MOTOROLA INC	NYSE/MOT	63.63	64.61	90.50	51.50
				NEC CORP	NYSE/NFPY	53.50	53.13	74.00	48.63
				NOKIA CORP	NYSE/NOKA	77.44	82.25	102.44	63.25
				NORTHERN TELECOM LTD	NYSE/NT	95.31	98.38	113.00	57.75
				ORANIPONT CORP	NAS/ORPT	28.31	28.00	27.00	6.88
				ORTEL CORP	NAS/ORTL	17.13	20.00	25.63	10.88
				P-COM	NAS/PCNS	18.50	17.38	28.38	12.38
				POWERWAVE TECHNOLOGIES	NAS/PWWV	26.00	26.75	40.00	11.00
				PROCOM	NAS/PROX	18.94	12.00	26.75	10.13
				QUALCOMM INC	NAS/QCOM	68.00	68.38	71.94	38.00
				RACOTEK INC	NAS/RACO	1.38	1.31	5.38	1.00
				SPECIALTY TELECONSTRUCTORS	NAS/STCR	13.13	14.25	19.88	7.00
				SPECTRAN CORP	NAS/SPCT	20.75	20.75	26.38	7.38
				TELLABS INC	NAS/TLAB	62.13	50.00	65.00	32.00
				TELULAR CORP	NAS/URLS	2.00	2.94	8.98	2.19
				TERSCO TECHNOLOGIES INC	NAS/TERB	21.00	22.13	37.50	14.75
				TRANSCRIPT INTERNATIONAL	NAS/TRIS	34.00	22.50	26.00	6.75
				UNR INDUSTRIES	NAS/UNRI	5.13	5.00	8.00	4.25
				WINSAT COMMUNICATIONS	NAS/WCHI	26.19	26.63	28.88	9.75
				WORLD ACCESS	NAS/WAXS	22.00	24.50	34.13	7.50

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